

REMARKS

In the **final** Office Action of July 20, 2010 the Office noted that claims 21 and 23-29 were pending and rejected claims 21 and 23-29. In this amendment claim 21 has been amended, no claim has been canceled, and, thus, in view of the foregoing claims 21 and 23-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

CLAIM OBJECTION

Claim 21 stands objected to for informalities. In particular, the Office asserts that "cancellation of seat" is a typographical error. The Applicants have amended the claim to overcome the objection.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 21 and 23-29 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Applicant has amended the claims to remove the reassignment language.

Claims 21 and 23-29 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular the

Office asserts "upon each new reservation or cancellation of seat, reassignment of seats to all the customers by allocation, with the allocation server, to each customer, by decreasing order of level of priority, of the available seat having the maximum satisfaction value," is unclear. The Applicants have amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 21 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies, U.S. Patent Publication No. 2002/0082878 in view of Seth, U.S. Patent No. 7,065,499 in view of Walker, U.S. Patent No. 6,112,185. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

In the *Response to Arguments* the Office asserts "Boies plainly discloses that multiple passengers are considered for a move with each new passenger request. 'As subsequent requests are received, the central controller 100 reassigns passengers to different seats that satisfy their seating requests and satisfy the incoming requests.' Boies, ¶ 0028."

However the feature of "multiple passengers are considered" does not anticipate the feature of considering all the customers of the group of customers.

To emphasize this distinction Applicants have amended claim 21 to recite "**determination of a group of customers for who**

an allocation is possible; definition of seats available for the allocation; determination by a processor of a satisfaction value of the customers *of the group of customers* for each seat *available for the allocation* as a function of agreement with the placement criteria, the satisfaction value being a particular numerical amount resulting from a specific mathematical operation, the satisfaction value being a percentage of satisfaction, *the satisfaction value being a percentage of satisfaction,* a maximum satisfaction being 100 percent; assignment, in a database, to each customer, of a priority level; assignment of seats *available for the allocation* to all the customers *of the group of customers* by allocation with an allocation server, to each customer *of the group of customers,* by decreasing order of level of priority, of the seat *available for the allocation* having the maximum satisfaction value, and upon each new reservation or cancellation of seat: *determination of an updated group of customers for who an allocation is possible; definition of an updated set of seats available for the allocation;* determination by a processor of the satisfaction value of the customers of the updated group of customers for each seat of the updated set of seats available for the allocation as a function of agreement with the placement criteria, *assignment of seats of the updated set of seats available for the allocation to all the customers of the updated group of customers by allocation with an allocation server, to each customer of the*

updated group of customers, by decreasing order of level of priority, of the available seat of the updated set of seats available for the allocation having the maximum satisfaction value." Support for the amendment may be found, for example, Tables 1 and 2; and ¶¶ 0012-0017; 0028; 0030; 0033; 0048; 0050; and 0051; and originally filed claims 11 and 12.

The amended claims differ from Boise in that:

- a. the satisfaction value is a particular numerical amount resulting from a specific mathematical operation, the satisfaction value being a percentage of satisfaction, a maximum satisfaction being 100 percent;
- b. an attribute weight is assigned to each placement criteria;
- c. allocation steps are done by decreasing order; and
- d. Upon each new reservation or cancellation of a seat:
 - determination of a updated group of customers for who an allocation is possible;
 - definition of an updated set of seats available for the allocation;
 - determination by a processor of the satisfaction value of the customers of the updated group of customers for each seat of the updated set of seats available for the allocation as a function of agreement with the placement criteria.

- Assignment of seats of the updated set of seats available for the allocation to all the customers of the updated group of customers by allocation with an allocation server, to each customer of the updated group of customer, by decreasing order of level of priority, of the available seats of the updated set of seats available for the allocation having the maximum satisfaction value.

With regards to features (a) and (b) above, Seth discusses a system in which a level of match is determined between a user request and available products. This level of match is calculated using a base of points (i.e. 100) and penalties reflecting preferences levels. The sole aim of Seth is to display the calculated value to the buyer as an evaluation tool for the product: ¶ 0008 lines 61-62 "...in other word, various preferences levels that map to penalty values may be presented to the buyer for each option ... ". ¶ 0012 lines 37-39 "The display may also show the percentage to which each match meets the desired configuration."

Display issues have no link with the claimed invention which uses a satisfaction value for a seat allocation procedure. A normally skilled person would not have used Seth and its match display method to determine a satisfaction value to be used as a computer internal parameter for the seat assignment.

Further the value calculated by Seth differs from the

satisfaction value. The satisfaction value as claimed is obtained from placement criteria to which weights are assigned. By way of example, no weights are disclosed in Seth; Seth discloses separate options (see col. 8 lines 17-23) and penalty levels within each option. There is no relation between the options thus no weights are assigned to them.

Consequently, the combined teachings of Boies and Seth fail to disclose features (a) and b above.

Moreover Seth is for display purposes which has nothing to do with the invention of Boies and therefore one of ordinary skill in the art would not have combined the references.

With regards to feature (c) above, claim 21 recites the features of "assignment, in a database, to each customer, of a priority level ... assignment of seats available for the allocation to all the customers of the group of customers by allocation with an allocation server, to each customer of the group of customers, by decreasing order of level of priority, of the available seat available for the allocation having the maximum satisfaction value."

The Office asserts that these features are disclosed by Walker.

However, the Applicants respectfully disagree. Walker discusses assigning seats by decreasing order of **categories of seating**. This differs from the decreasing order of priority level [of customers] of amended claim 21.

One of ordinary skill in the art would not combine Boies and Walker, since the "decreasing order" of Walker is for seats and not for customer. Walker does not impact the same entity (seat) than Boies (customer). Combining Boies and Walker would at best lead to make an allocation by decreasing order of categories of seating; this is not the claimed invention.

With regards to feature (d) as above, the amendments to claim 21 now more clearly show that the invention is an iteration process involving all "possible" seats and all "possible" customers each time a new reservation or a cancellation occurs. During this allocation, all customers are considered.

This means that a new determination is made as to the best seat for each customer. This does not imply that a new seat is assigned to each customer nor that the same seat is maintained for passengers already having a seat assigned to them.

Amended claim 21 clearly recites that the assignment of seats is repeated independently from the results of the previous assignment.

In this perspective, all the customers are subject to the reiterated assignment process. Boies does not anticipate these characteristics of the invention. First, Boies does not disclose an iterative process such that the successive steps of feature (d) above are part of Boies.

Second, Boies' assignment of seats to new passengers does not involve **all** the passengers as acknowledged in the

Response to Arguments as quoted above. Further as states in *Response to Arguments* "BOIES plainly discloses that multiple passengers are considered to move with each new passenger request."

This is indeed what is indicated by Boies ¶ 0028 wherein it is stated "[a] subsequent requests are received, the central controller 100 reassigns passengers to different seats that satisfy their seating request"

Only some passengers are involved in the Boies process and feature (d) is not anticipated or obvious in view of Seth and Walker.

For at least the reasons discussed above, Boies, Seth and Walker, taken separately or in combination, fail to render obvious the features of claims 21 and the claims dependent therefrom.

Claims 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Seth in view of Walker in view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an amendment.

The Applicants submit that Official Notice adds nothing to the combination of Boies, Seth and Walker as applied against the independent claims. Therefore, for at least the reasons discussed above, Boies, Seth, Walker and Official Notice, taken separately or in combination, fail to render obvious claim 23.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 21 and 23-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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